

APR 20 2018

Date: 17 April, 2018

RE: State v. Curry; D-1215-ER-17-000473 (TBD)  
D-1215-ER-17-00004 (TBD)MATTHEW J. DYKMAN  
CLERK

Curry v. State; Fed. Case # 2:17-CV-01079 RB/GLF

SUBJECT: Affidavit/Petition/Notice; Writ of Error to  
Lift "Competency Hold" & "No Bond Hold" pursuant  
Article II, Sect. #13, NM Constitution, Article III, Sect. 2  
US Constitution, Amendments I, IV, V, VI, VII, VIII,  
XI; FRCP Rules 8, 12(b), 21(b);

Let this Court of Record be Amended to show that;

The "Competency Hold" & the attached "Commitment  
Letter" authorizing a "No Bond Hold" penned by Mr.  
Counts on 3 Oct. 2017, were in Error and Violative  
of;A). The Accused's Rights of Due Process, which  
include, but are not limited to;① His Guaranteed "Presumption of Innocence" &  
His "Presumption of Competency," as pursuant to Art.  
II, Sect. 13 of the NM State Constitution; [See State v.  
Brown, 2014-NM3C, 19, 338, P.3.d, 1, 276, where; The  
NM Supreme Court recognized "that an individual  
accused of a crime is entitled to retain his FREEDOMS  
until adjudged guilty of that crime by a court of last  
resort." His freedoms include his Intellectual Capacity & his  
Ability to choose Right over Wrong; Good over Evil; aka "Competency"

for on the Record; As an honorable, Devoted Vietnam Combat Veteran, I find  
Dr. Gaganis comment, "he believes he is not accountable to authority," to  
be a vicious & malicious mischaracterization, and I request her presumption of guilt  
authority to cast such improbable & inflammatory charges & allegations!!

"No part of this Act shall be used to violate anyone's Constitutional Rights!"  
 Administrative Procedures Act, Sect. 12. "Constitutional Rights are self-executing and require no legislative Act to make them operative."  
 — *Medina v. Medina* (1963).

② "The Accused is entitled to his right to his FREEDOMS prior to conviction to permit the unhindered preparation of his defense, and to prevent the furtherance & infliction of any Cruel & unusual punishment prior to conviction."  
 — *See Stack v. Boyle*, 342 U.S. 172, Sup. Ct. 1.6. 96 LED. 3 (1951);

③ The issuance of the "Commitment Letter" — "No Bond Held," were critically prejudicial & violative of the Accused's First, II, I, VI, VII, VIII, & XI Amendments, as clearly articulated in the Amendments; particularly the VII Amendment, wherein, "Justice shall be Administered without SALE, DENIAL, DELAY, or OBSTRUCTION;"

④ As a Protected Crime Victim, Witness, and Informant under 18 USC 3771, the Accused has full Immunity from acts of retaliation & reprisal from all members & officers of the US Judiciary, and his IMMUNITY extends to his GUARANTEED protections under the XI Amendment, wherein, "The power of the US Judiciary shall not extend to the commencement of any action against one of the United States in any court of Law or equity by any Citizen or subject of a Foreign Power or government;" [The "Legal System" is Foreign to the Constitution!]

⑤ The Accused retains the Entitlement of the right that he need not incriminate himself.

It is Dr. Gager that "causes conflict in society," as the promotes the judicial system, aka the "Legal System," which is designed to "undo God's Laws!" Encyclopedia Britannica (1894). The GOLDWATER Institute has determined all State Bar Associations to be unconstitutional closed union shops!!

of the charges being read to him during an "arraignment," as the question, itself, "Do you [stand under] understand the charges being read to you?" is a clear violation of the I Amendment, as the question is "presumptive," "speculative" and "hearsay," but yet demands & compels one to answer against his will & against his better judgment! The question is also corrosive, argumentative, intimidating, coercive, & threatening, as it places the Accused under tremendous pressure & Duress! Such questions, then, are incongruent with the Spirit & Intent of the State & its Constitutions, and they can only compound the prejudice & bias levied upon the Accused, as they clearly obstruct & derail the pursuit & interests of justice!

B). The "Letter of Commitment" & the attached "No Bond Hold," were lacking in direction & clarity, as Mr. Counts failed to address what type or level of "Competency" was at issue, as pursuant to F.R.C.P. Rule 8, which requires a simple & clear statement of "Who," "What," "Where," "When," "Why," and "How," the Competency issue is to be resolved, and under what specific discipline. Such direction & clarity had to have directed the prosecution, who would bear not only the burden of proving the Accused's INCOMPETENCY, but the costs of such examinations, and under what discipline(s) the exams would be assigned.



For Example; If the prosecution proved with great certainty that the Accused was, in fact, Linguistically-Incompetent, but Mr. Courts issue was the Accused's Competency to drive a truck, much time, energy, and resources would have been wasted, and the "ISSUE" would remain on the Court Record, and thus subjecting the Accused to further prejudice, injury, and further abuse under the conditions of his false imprisonment, which is exactly the case we have now!!

This lack of direction & clarity as to what type of level of Competency is truly what is at issue, where Mr. Courts had cast a large net, far & wide in hopes that the Accused would be found incompetent within one of many available venues & disciplines; ie; "Legally-Incompetent?" "Technically Incompetent?" "Socially Incompetent?" "Mechanically-Incompetent?" "Sexually Incompetent?" "Politically Incompetent?" "Judicially Incompetent?" "Medically Incompetent?" or is the Accused Incompetent based on his "belief system," as court appointed & state Board-Approved Mental Health Therapist, Dr. Gina Gagon suggests in her March 26, 2018 "OPINION" of the Accused?

If the latter is truly the case, and the Court accepts Dr. Gagon's opinion that;

Given Dr. Gagnon's ability to sway & influence the Court to deny, duress, coercion, and obstruct the Accused's rights to his pre conviction release, Dr. Gagnon should be ordered to serve the Accused's unduly into sentence for a conviction he has not yet been given for a crime he did not commit!

It would be beneficial (to whom?) to complete a thorough forensic (back to 22 Sept. ??) competency evaluation. While I feel he would be deemed incompetent, I believe it would be due to his "bullet system", and not mental illness." WOWZERS!!

— Would it not be rational & reasonable for a juror, and/or any other finder of fact & truth to agree, that the Accused's "bullet system" is a traditional, commonly used, and well protected right under the First Amendment, and such attacks are strictly PROHIBITED??

With this being the TRUTH, and the FACT of the matter, as eloquently pointed by Dr. Gagnon, the State MUST order the 12th Judicial's case against the Accused withdrawn & dismissed with great prejudice, as the "Commitment Order" & "No Bond Held" were also issued in direct violation of Article III, Sect. 2 of the US Constitution, wherein, the Accused was guaranteed that his case was to be adjudged by an impartial, unbiased, unprejudiced court of competent jurisdiction; "which he had requested Twice!!"

Finally, and in Summary; Given the egregious malicious nature of the attacks against the Accused's protected "bullet systems", and for

the obvious denial, negation of the Accused's "presumption of innocence" <sup>and</sup> "complicity" by the prosecution, and by the two lower state District Courts, who both errantly scheduled his Arraignment for the very same day, with a Grand jury hearing scheduled in between the two <sup>and</sup> imposing Double Jeopardy upon the Accused, all resulting in a complicated matrix of "manifest injustice," which shall not be sustainable in a higher court, or by a court of last resort, as proffered in State v. Brown, State v. Boyle, thus leaving these proceedings INVALID!

The prosecution, then, is well advised; encouraged to withdraw David J. Hunter's false fabricated charges, allegations against the Accused, as he was impersonating a "government peace officer," and he failed to preserve, maintain the Accused's guaranteed "presumption of innocence," which he acted under the shadow, color of State Law!

— Hunter's initial violations have since cascaded into an abysmal failure by the Twelfth Judicial District Corporation to honor its contracts with the State in their failures to provide Full Disclosure and fair, honest services to the People of New Mexico, and Due Process to the Accused!

It is so, and so it shall be!!

Given the charging documents are inaccurate and clearly baseless in Truth, Facts, they are not only defective commercial instruments, they are Null & Void under Law! — See Marbury v. Madison, (1803), US Supreme Court.

Page 6 of 6 <sup>x</sup> Jason Montelone, Esq.

ARTICLE III, Section 2 of the US Constitution guarantees all litigants the right to have their cases adjudicated before a "Court of competent jurisdiction!"  
 - The term "competent" as used here, does not infer a medical issue! Mr. Counts's order does not specify that my "competency" Must be a Medical Issue!

OTERO COUNTY DETENTION CENTER

1958 Dr. Martin Luther King Jr. Drive

Alamogordo, New Mexico 88310-8121

Telephone 575-434-2519

INMATE GRIEVANCE/APPEAL/COMPLAINT FORM

Date: 3/14/18, Time: 1100, Cellblock: C-1, Incident Report No. 18-42059 F

I, CURRY, Steven, would like to file a Grievance, Appeal, Complaint  
 (PRINT NAME)

To: Mr. Blankenship, Officers, & members for the following reason(s):

of the Twelfth Judicial District:

(STATEMENT OF KNOWN FACTS; WHO, WHAT, WHEN, WHERE, WHY AND HOW.)

ON: FOR THE RECORD: Just because I MAY NOT BE  
Fluent or Competent in the LEGAL SYSTEM, AND  
THAT I MAY NOT BE CAPABLE OF COMPREHENDING  
THE STATUTES, CODES, REGULATIONS, AND COLOR OF  
LAW, WHICH ARE NOT LAW BASED ON THE US SUPREME  
COURT DECISION OVER MARBURY V. MADISON (1803):  
WHERE ANY STATUTE, CODE, OR COLOR OF LAW THAT  
IS AN ABROGATION TO, OR THAT IS IN CONTRADICTION  
TO THE CONSTITUTION, IS NULL & VOID UPON ITS  
INCEPTION; WHICH MEANS, MR. COUNTS "NO BOND HOLD"  
FOR A COMPETENCY ISSUE THAT WAS CONSTRUCTED  
TO PENALIZE & PUNISH ME FOR MY POLITICAL DISSIDENCY  
SHOULD BE Annulled, Stricken & VOID, AS IT WAS  
VIOLATIVE OF MY FIRST AMENDMENT & VIII AMENDMENT  
PROTECTIONS! I AM, THEN, ENTITLED TO RELIEF FROM  
THE EFFECTS OF MR COUNTS AGGRAVATED PREJUDICE!!

~~Continued on back~~ Yes, No

SIGNATURE:

Curry Steven



- (6) And that; Rather than produce his Legislative Authority, Subject matter jurisdiction as requested by the Affiant, Mr. Blankinship recessed the Court and left his post;
- (7) And that; At 0900 hours, Roxanna B. Esquibel, in collusion & conspiracy with David J. Hunter, convened an Ex Post Facto Grand Jury in the basement of the Courthouse, where David Hunter was given over 1½ hours to taint, poison, and prejudice 12 members of the Grand Jury against the Affiant by presenting not one, but two different "Incident Reports," his "Criminal Complaint," and a "Rape sheet" of fabricated charges authored by Esquibel's sister, Joanna Arradondo; [See Fruit of the Poisonous Tree Doctrine]
- At the end of Hunter's presentation, not a single juror had a question for the Affiant, and Esquibel refused to allow the Affiant to ask any questions of any juror, or to present the Grand Jury Foreman with exculpatory information that would have exonerated & acquitted the Affiant of any wrongdoing;
- And that; Esquibel, in her efforts to further taint & prejudice the jury against the Affiant, questioned the Affiant about a 2012 Fraud conviction & sentence he'd received in 2012 in Colorado, and where he had already been punished for those false charges. Use of this earlier conviction information was clearly Double Jeopardy & a violation of the VI & VIII Amendment; [PREJUDICE!!]
- (8) And that; having challenged Mr. Counts to produce his Legislative Authority to assume subject matter jurisdiction, Mr. Counts, in retaliation & reprisal for the Affiant's political dissidence & refusal to be arraigned on the



Jurisdiction can only be accessed from within the Four Corners of the Constitution.  
Black's Law Dictionary, 9th Edition

false & fabricated testimony of David Hunter, Mr. Counts placed a "No Bond Held" along with a "Commitment Letter" for a Competency Exam for the Affiant;

⑨ And that; To satisfy a request by Esquivel, that the Arraignment clock be stopped, Mr. Counts ordered an indefinite stay of the proceedings; all of which was designed to retain the Affiant in custody of the CDC indefinitely, which has been a great prejudice against the Affiant's rights to be protected from cruel & inhumane treatment & punishment, and his right to the presumption of innocence until found guilty through conviction; [See VIII Amendment]

⑩ And that; On 10 October, 2017, the Affiant was brought before Magistrate Newton, where Mr. Newton determined he had no jurisdiction to hear the Extradition Request from Colorado, and that, he was not going to allow the Affiant to make his Court into a Court of record; and that, he remanded the ER case over to Mr. Blankinship at the State District Court, and all with his permission that the Affiant be allowed to proceed as a Pro Se litigant with the assistance of Jonathan Miller as his "Legal Advisor;"

⑪ And, that; having received the case from Magistrate Newton, Court Manager Katrina Watson; Mr. Blankinship scheduled an arraignment hearing for 10:00 hours on 10 October, where D's Hunter & Esquivel, Jonathan Miller, and Mr. Blankinship were in attendance, and the Affiant

Constitutional Rights are self-executing & require no legislative authority to make them operative. *Boyd v. Pennsylvania* (1963) 383 U.S. 637, 80 S.Ct. 1395, 16 L.Ed.2d 242.

had been advised of the hearing, but with great prejudice against him, he was not invited and nor was he transported to the Court for this Extradition Arrangement Hearing.  
— And that, It is believed that this was the hearing where the issue of Competency was raised for a second time, and this time it was the Affiant's public defender & legal advisor, Jonathan Miller, who appeared, not as the Affiant's "Legal Advisor," as suggested & ordered by Mr. Newton, but as the Court-appointed Counsel & Re-presentative for the Affiant;

(12) And that; with so many egregious & malicious errors to record, the Affiant filed a Counter-Claim with the US Federal District Court of New Mexico, with the Petition & Prayer that this higher Corporate Court would provide the Relief & Remedy the Affiant is entitled to as the injured & aggrieved party, and as a protected crime victim, witness, and informant against the ABA, DOJ, IBA, and US Judiciary, the Affiant is due a DEFAULT summary judgment against the State of New Mexico, the Twelfth Judicial District, Otero County Administrative Authority, and against the Otero County Detention Center, along with judgments against individual member-officers, agents, and contractors, as they have acted under the color of State Law, and well outside any "Official," or "Governmental" Office or Capacity; [See 42 USC, Section # 1983].

Argument:

① The Affiant, given the extreme prejudice he has had to endure from the State, the Twelfth Judicial, Otero County, the Otero County Detention Center Admin & Medical Departments, and from his very own Public Defenders, Mario Torrez & Jonathan Miller (See 28 USC 1654 - Ineffective & Defective Counsel); he is genuinely entitled to the "presumption of innocence," at the very least, and to be relieved of the false & fabricated allegations & charges made by DA Hunter & DA Esquivel, and to be released from his wrongful captivity & imprisonment, pursuant Article II, Section 13 of the New Mexico Constitution, and the IV, VIII, and XI Amendments of the US Constitution; wherein, he must be granted his freedom prior to conviction by the Trial by Jury, if such a trial is actually warranted given the lack of a qualified state witness, and the States failure to produce a valid claim [See FRCP Rule 12(b)]

② And that; Given the Errors of the Twelfth Judicial District that have gravely prejudiced the Affiant, and that have caused him & his family great injury & distress, the Affiant is entitled to be compensated for his injuries & damages suffered at the hands of each of the above entities, persons, and individuals;

③ And that; Of the most egregious & malicious errors was Mr. Count's "No Bond Held" & Stay of Proceedings issued on 3 October, which has forced the Affiant into languishing in the CDC without proper & adequate medical care,

COLORADO HAS FAILED TO PRODUCE A GOVERNOR'S WARRANT WITHIN 30 DAYS OF 10 OCTOBER.

When such medical care is not only critical & crucial, it is one of the Affiant's unlimited natural, unalienable, commercial, and Constitutional Rights, [See Hale v. Henkel (1906)]

④ And for Mr. Counts & Ms. Esquivel to have used the power of a "Competency Hold" as a "lethal weapon" against the Affiant, was to knowingly, willfully, and with criminal malice & forethought, to deny, deprive, and obstruct the Affiant's rights to his pre-trial, or pre-conviction Freedoms that were guaranteed him by the New Mexico & US Constitutions;

⑤ And that; It is further argued that the "Competency Hold" Levied by Mr. Counts, and/or Mr. Miller, was not a "Medical Issue," that would require a "Medical Opinion," which was taken care of on 5 October, when a State Social Worker & Medical Professional, Dr. Dale Dietz, found the Affiant to be exceedingly competent; // The results of his "Competency Exam" has been intentionally & willfully & knowingly withheld from Mr. Blankinship by Roxanna Esquivel's sister, Joanna Arvadondo, so as to further and & about the criminal trespassing of David J. Hunter on the 22<sup>nd</sup> Day of Sept. 2017.

⑥ And that; On March 9, 2018, Jason Montclare attempted to make the point that this case needs to be dismissed with great prejudice, given the competency issue raised was not medical, but an attack upon the Affiant's "political advocacy & dissidence in his civil rights work, which is protected under the First Amendment. Competency, after all, is a term used to describe one's capabilities & abilities to function



Curry, Steven Bruce  
OCDL C-3 #109 T38970  
Plumogordo, NM 88310

Critical  
Lower Expedite  
Please Deliver

Federal Case No 2:17-CV-01079-RB-GJF

To: Matthew J. Dykman  
Clerk of Court  
US Federal District Court, Rm 270  
333 Combs Blvd NW  
Albuquerque, NM 87102

MATTHEW J. DYKMAN  
CLERK

EL PASO TX 799  
13 APR 2018 PM  
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APR 20 2018

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DETENTION CENTER

## OTERO COUNTY DETENTION CENTER

1958 Dr. Martin Luther King Jr. Drive  
 Alamogordo, New Mexico 88310-8121  
 Telephone 575-434-2519

## INMATE GRIEVANCE/APPEAL/COMPLAINT FORM

Date: \_\_\_\_\_, Time: \_\_\_\_\_, Cellblock: \_\_\_\_\_, Incident Report No. \_\_\_\_\_.

I, \_\_\_\_\_ would like to file a Grievance, Appeal, Complaint  
 (PRINT NAME)

To: \_\_\_\_\_ for the following reason(s):

Continued from page 7 of 8  
 and to "COMPREHEND" certain things like language,  
 (STATEMENT OF KNOWN FACTS; WHO, WHAT, WHEN, WHERE, WHY AND HOW.)  
 for instance, where the "Legal System" has  
 its own language expressed in Statutes, Codes,  
 Ordinances, and Color of law; and all of which  
 is alien & foreign to most people, including  
 the Affiant, who has found the term  
 "Legal" defined by the Encyclopedia Britannica  
Arts & Sciences Dictionary (1894) to mean "THE  
 LAUDING OF GOD'S LAWS!" and that the Constitutions  
 of the US & State of New Mexico were created with  
 the spirit & intent of God's Laws; making the  
 "Legal System" Foreign to these Constitutions, Foreign  
 to the Living, and Foreign to the Affiant, and is  
 protected by the I, II, V, & XI Amendments against  
 such Foreign aggressions & trespasses by those  
 in Breach of Contract of the Public Trust!

Continued on back: Yes; No; SIGNATURE: \_\_\_\_\_

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